

DECLARATION OF KENNETH KNAPP

I, Kenneth Knapp, am over 18 years of age and am competent to testify. I declare as follows:

1. I am a resident of Salisbury, Maryland.
2. I was the manager at the Salisbury branch of American Tire Distributors from October 2017 until I was laid off on April 28, 2021. I applied for unemployment benefits later that day.
3. On April 29, 2021, MDL issued a “statement of wages and monetary eligibility” showing that I was eligible for \$430 in weekly benefits through regular unemployment insurance (UI). However, I did not receive any UI benefit payments.
4. Instead, for several months BEACON showed that I was “waiting on adjudication,” although it provided me no information on what the adjudication was about or why I was not receiving benefits.
5. Despite calling MDL three or four times per week every week and emailing MDL many times, only once was I connected by phone to an MDL representative. That representative said he could not tell me the reason for the adjudication, and simply told me something to the effect of, “It’s caught in adjudication, there’s nothing I can do from here. You have to wait. We’re short staffed, we don’t have enough people, and it can be several weeks or longer before you get a call from an adjudicator.” I asked what they were waiting for with the adjudication, and the MDL representative simply said, “You’ll have to ask the adjudicator, I don’t know anything other than it’s in adjudication.”
6. On September 1, 2021, more than four months after I had applied for benefits, MDL issued a “notice of benefit determination” concluding that I was fired for “gross

misconduct” but without providing any factual support for this conclusion. *See* Attachment A (Notice of Benefit Determination Dated 09/01/2021). This was the first indication I had received that my former employer disputed the circumstances of my termination; until this point, all I knew about his employer’s stated reason for my termination was what it told me, which was that the employer wanted “to go in a different direction.” No MDL representative contacted or communicated with me before reaching this conclusion.

7. On September 4, 2021, I appealed the determination finding me ineligible for regular UI. I did my best to explain that I was terminated without being given any reason, but it was difficult because I did not know what my former employer had said about me or why MDL had concluded that I had committed “gross misconduct.” As I wrote in the appeal, “I also do not understand why I was not allowed to defend myself in a hearing call[,] but instead 18 weeks later I am finding this out.”

8. On September 10, 2021, I received a notice indicating that an appeal hearing would be held on September 22, 2021. During this hearing, the hearing officer told me that I should have been provided with a written notice of the basis for the employer’s position that I was fired for gross misconduct. The hearing officer said that he could see that “the system” showed that I was never provided such a notice, but said something to the effect of, “that’s really common, you don’t have to worry about that.”

9. On September 27, 2021, MDL issued a lower appeal decision partially reversing the original determination and finding that the circumstances underlying my termination rose only to simple misconduct, not gross misconduct. Accordingly, the new decision provided that I would be denied regular UI benefits for ten weeks beginning on April 25, 2021, and could receive benefits for following weeks.

10. I disagreed that I was fired for any kind of misconduct, but at this point I desperately needed money to get by so I decided not to appeal again.

11. On September 29, 2021, I received eight weeks of regular UI benefits in the amount of \$730 per week (\$430 in regular UI plus \$300 in additional federal benefits), for the weeks ending July 10, 2021, through August 28, 2021.

12. On October 4, 2021, I received five weeks of regular UI benefits, including \$730 for the week ending September 4, 2021, and \$430 for the weeks ending September 11, 2021, through October 2, 2021. These payments were consistent with the lower appeal determination concerning my eligibility for regular UI based on the circumstances of my discharge.

13. Then suddenly on October 7, 2021, MDL issued an overpayment notice for all the weeks I had received benefits, finding an overpayment of \$8,290. MDL gave no factual basis in the notice for the overpayment and had not contacted me about a possible overpayment before issuing the notice. I had no idea for the life of me what this was about.

14. On October 8, 2021, I emailed MDL noting “I waited over 20 weeks for this decision and finally started to get paid and now ‘for some reason’ you say I am overpaid. None of this makes sense.”

15. Just as mysteriously, on October 27, 2021, I received an email from MDL nothing that my “claim request has been resolved.” When I logged onto BEACON, I saw that there was no overpayment anymore.

16. I turned 64 years old in September. Because of MDL’s very long delay in processing his benefits claim, I was forced to turn to my savings (which I have now spent) and my 401(k). This experience – from the initial very long wait to get my benefits and then with the incomprehensible overpayment – has been extremely stressful for me.

I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

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Kenneth Knapp

11/22/2021
Date